

**Consent Agenda Item 1.a**

November 15-16, 2017 Board Meeting

Case No. 17CW3037 (Water Division 2); The Upper Arkansas Water Conservancy District

**Summary of Water Court Application**

Applicant proposes to change a previously changed water right to add new uses and to store the water in upstream locations. No new exchanges were claimed in the application.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed in this case to protect CWCB's instream flow water rights. A Statement of Opposition was filed on behalf of the Board in September 2017.

**CWCB Instream Flow Water Rights**

The CWCB holds water rights, including 12 specific instream flow water rights within the exchange reaches, in Water Division 2, in the Arkansas Headwaters Watershed that could be injured by this application.

**Potential for Injury**

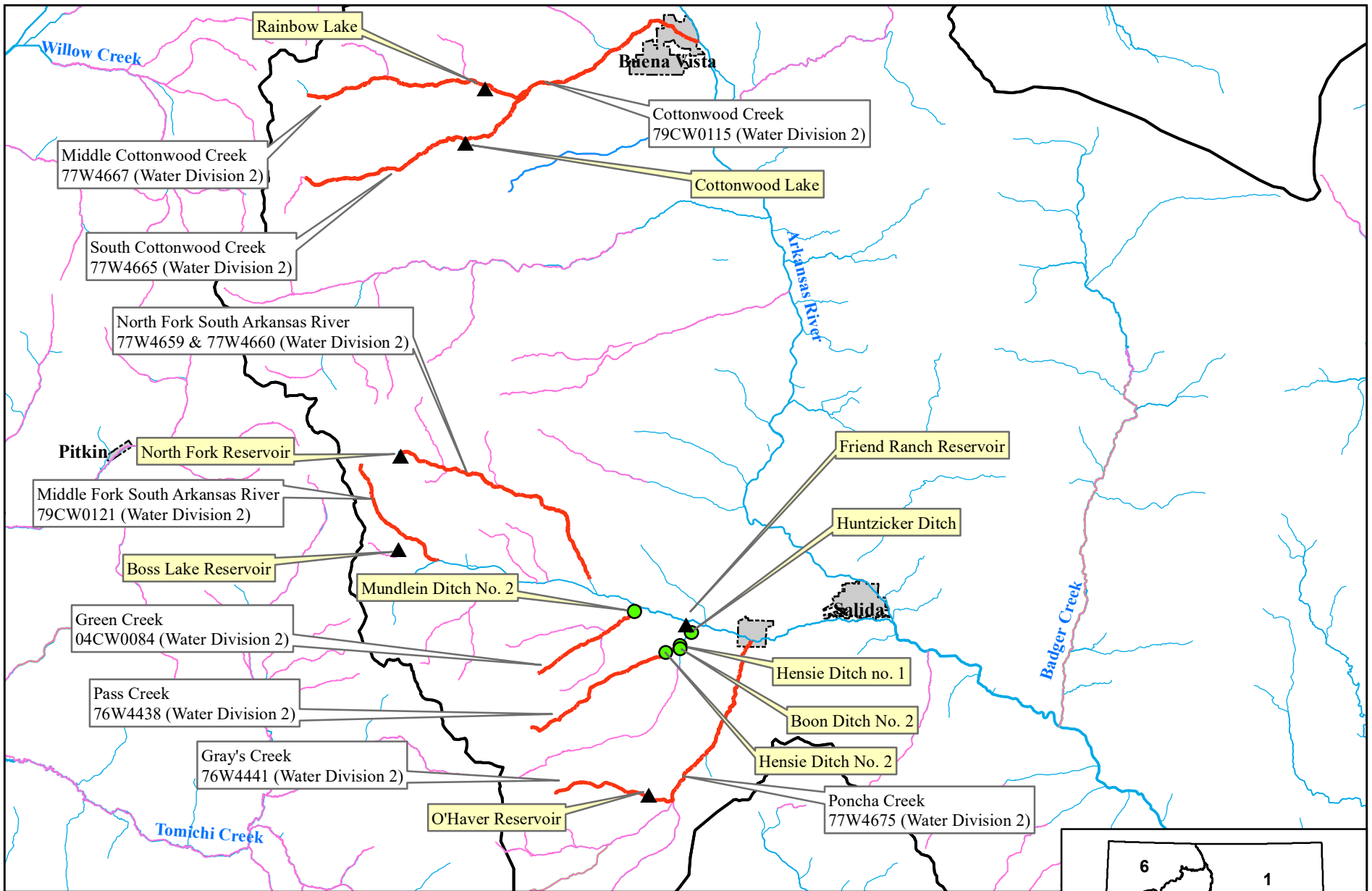
- The proposed change of water rights could cause an expansion of use and could alter the time, place and amount of historical return flows, which could injure the CWCB's instream flow water rights.
- Adding water to existing exchanges could cause an expansion of use and should be limited so that the CWCB's intervening instream flow water rights are not injured.

**Other Objectors**

Statements of Opposition were also filed by City of Aurora, City of Salida, Dean Roberts, and Public Service Company of Colorado.

**Attorney Representing CWCB**

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov), or 720-508-6282



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 Consent Agenda Item 1a: Statement of Opposition  
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